

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IN RE: PHENYLPROPANOLAMINE
(PPA) PRODUCTS LIABILITY
LITIGATION,

MDL NO. 1407

ORDER DENYING MOTION TO
EXTEND CASE-SPECIFIC FACT
DISCOVERY DEADLINE

This document relates to:

Bernice Marshall v. Wyeth, No.
4-cv-00070.

The parties jointly move the court for an order extending the case-specific fact discovery deadline in the above-referenced matter by three months, to July 29, 2005. Having reviewed the motion, the court hereby finds and rules as follows:

The court has already previously granted the parties a three-month extension to the discovery deadline in this case. The parties claim that a second three-month extension is necessary because four fact witnesses still need to be deposed. Wyeth is also waiting to receive copies of plaintiff's records from the Social Security Administration (the "SSA") and from several healthcare providers who treated plaintiff following her stroke. It is not clear from the record when Wyeth first requested copies of these records.

It is incumbent on the parties in this litigation to pursue

1 discovery in a timely fashion. Given that the parties have only
2 completed two depositions in the last three months, the court is
3 not convinced that they are meeting their obligation. The court
4 is also displeased with the fact that the parties waited until
5 after the discovery deadline expired to ask for a second
6 extension. The court is not inclined to grant discovery
7 extensions based on outstanding documentation unless the parties
8 are able to demonstrate that they promptly requested the records
9 from the SSA, Internal Revenue Service, and/or healthcare
10 providers upon receipt of the Plaintiff's Fact Sheet. Wyeth has
11 not made such a showing. Nor will the court grant discovery
12 extensions based on outstanding depositions unless the parties
13 are able to demonstrate that they have made a concerted effort to
14 schedule the depositions, using subpoenas if necessary, in a
15 timely manner. Again, the parties have not made such a showing.

16 Based on the foregoing, the court DENIES the parties' motion
17 to extend the discovery deadline.

18 DATED at Seattle, Washington this 31st day of May, 2005.

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20 BARBARA JACOBS ROTHSTEIN
21 UNITED STATES DISTRICT COURT JUDGE
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